

SUBJECT: A report and recommendation on a proposed zone change from CC-A Commercial Community Auto and SF-4 Residential Single Family District to PD Planned Development District at the property bound by Realistic Avenue, Dana Avenue, and Interstate 71 in Evanston.

GENERAL INFORMATION:

Petitioner: Michael Lange, Neyer Properties
10335 S. Medallion Drive
Cincinnati, OH 45241

Purpose: To construct a Professional Office Development.

BACKGROUND:

The Keystone is a proposed new development in Evanston comprised of approximately 446,000 square feet of Class A office space on top of a three story parking structure, with an out-parcel for a restaurant or other amenity. Neyer Properties, the developer of *The Keystone*, has also been working with the Evanston Community Council, Cincinnati Recreation Commission (CRC), and Cincinnati Park Board to discuss coordination of needed improvements to the adjacent Evanston Playfield. Neyer Properties has requested a change in zoning to Planned Development (PD) for the office space portion of the project, which is bound by Dana Avenue, Realistic Avenue, and Interstate 71 (as shown on the attached map).

EXISTING CONDITIONS:

The northern portion of the area in question is zoned CC-A Commercial Community Auto, and the southern portion is zoned SF-4 Residential Single Family. The CC-A portion of the site was occupied by commercial uses, and the SF-4 portion of the site contained 20 single-family homes. Over the past five years, Neyer Properties has privately acquired nearly all of the residential and commercial properties in this area. Currently, there are only two residential properties not fully under control, but there is an option on both, an agreement has been negotiated with both owners, and Neyer Properties expects to close on these two properties within the next 30 days.

The property surrounding the area for rezoning is as follows:

North: MG (Manufacturing General)

West: CC-A and SF-4 (Commercial Community Auto and Residential Single Family)

South: Interstate 71, beyond that SF-4, SF-6 and SF-20 (Residential Single Family)

East: Interstate 71, beyond that SF-6 (Residential Single Family)

SUMMARY OF THE CONCEPT PLAN:

The proposed *Keystone* is a phased development consisting of three buildings totaling approximately 460,000 square feet of Class A office space. Parking will be provided with a plaza level lot and three structured levels below grade containing approximately 1,800 parking spaces.

Office Buildings A, B, and C are proposed to be 7 stories, 6 stories, and up to 5 stories respectively, above the parking garage. The proposed building setbacks are thirty (30) feet from the I-71 right of way and zero (0) feet from Dana and Realistic Avenues, as the corners of Building C will come directly to the lot line. The total project investment is estimated at \$70,000,000 and will bring nearly 2,000 office related jobs to the Evanston community and the City of Cincinnati.

The topography of the site slopes down from the intersection of Dana and Realistic Avenues toward I-71. The parking structure is underground below Office Building C, but because of the topography, all three levels are above grade and open to the air facing I-71, allowing for a substantial portion of the garage to receive natural light and ventilation. Approximately 1.3 acres of the 7-acre development are proposed as open space or landscaped areas. Pedestrian walkways are also planned throughout the development; there is also a .4-mile walking trail planned on the adjacent Evanston Park Master Plan, outside of the area for rezoning.

BASIC REQUIREMENTS OF A PLANNED DEVELOPMENT DISTRICT:

According to Section 1429-05 of the Cincinnati Zoning Code, a PD District and development within a PD District must comply with the following:

- (a) *Minimum Area* – The minimum area of a PD must be two contiguous acres. The site of the proposed Keystone development is approximately 7 acres; the property requested for rezoning is approximately 11.75 acres.
- (b) *Ownership* – Neyer Properties has acquired nearly all residential and commercial properties. Two residential properties not fully under control are expected to close in the next 30 days. Neyer is also working with the Ohio Department of Transportation (ODOT) to acquire excess remnant parcels from the construction of Interstate 71.
- (c) *Multiple buildings on a lot* – more than one building is allowed on a lot. There will be three buildings on this site, on top of a three-story parking garage.
- (d) *Historic Landmarks and Districts* – the site is not in a historic district nor does it contain any historic landmarks.
- (e) *Hillside Overlay Districts* – the site is not located in a Hillside Overlay District.
- (f) *Urban Design Overlay District* – the site is not located within an Urban Design Overlay District.

CONCEPT PLAN AND DEVELOPMENT PROGRAM STATEMENT:

According to Section 1429-09 of the Cincinnati Zoning Code, a petition to rezone a property to PD must include a concept plan and development program statement. The purpose is to describe the proposed use or uses to be conducted in the PD District. The concept plan must include text or diagrams that specify:

- (a) *Plan Elements* – the applicant has submitted a survey of the site, including a metes and bounds description and has included sufficient information regarding proposed land uses, building location, streets and driveways, building set back lines, building heights, and open space (please see attached site plan).
- (b) *Ownership* – the applicant is in the process of acquiring all property.
- (c) *Schedule* – Demolition began in February 2006 and completion is expected by April 2006. Earthwork is expected to occur in 2006. Depending on market conditions, construction is proposed as follows: Phase I (Office Building C) first quarter 2007 – second quarter 2008; Phase II (Office Building B) second/third quarter 2007 – fourth quarter 2008; Phase III (Office Building A) 2008 - 2009.
- (d) *Preliminary Reviews* – All utilities are available to the site and at adequate capacities. Neyer Properties has been coordinating the infrastructure design with MSD, GCWW and other City departments including the Department of Transportation and Engineering (DOTE) and the Cincinnati Recreation Commission (CRC). To ensure that all proposed infrastructure was sufficient, Planning Staff circulated a copy of the concept plan to these City departments and will circulate the final development plan upon submission.
- (e) *Density and Open Space* – the site plan shows the location of all open space. The open space is approximately 1.09 acres in size, which is about 18.6% of the total site acreage.
- (f) *Other Information* – Although not within the zone change boundary, Neyer Properties has worked with the Evanston Community Council, the Park Board, CRC and other City agencies to assist in improvements to the adjacent Evanston Playfield. Proposed improvements include: the addition of park land to allow for a full-sized baseball diamond and a full sized football field that can co-exist without interference to the baseball infield, restoration of the swimming pool, renovation of the historic pool house, new basketball courts moved to a more visible location, and the addition of a .4-mile walking trail, a new playground (potentially a 1,000 Hands Playground) and new adjacent parking. Evanston Community Council, the Park Board and CRC have approved these improvements.

PLANS:

This property is within the Evanston NBD Urban Renewal Plan, adopted in 1998 and amended to include this project in 2006. It was determined that an amendment to this Plan was appropriate, as the circumstances of the site had changed to include this new neighborhood-supported development. City Planning Commission approved the amendment on January 20, 2006 and Cincinnati City Council approved the amendment on February 23, 2006.

PUBLIC COMMENT:

A public Staff Conference was held on February 16, 2006. The only attendees were representatives from Neyer Properties and the Evanston Community Council, who were all in attendance to support the zone change. Representatives of Neyer Properties, Inc. have met with Evanston Community Council leadership on many occasions to discuss this potential project. The full Evanston Community Council heard a presentation on this development at the October 2005, January 2006, and February 2006 meetings.

A vote on this zone change was originally scheduled for the February 16, 2006 meeting of the Evanston Community Council. At that meeting, two residents raised some concerns about the project, so the Community Council agreed to delay the vote on this issue until the following month. Since that time, the Community Council has met with Neyer Properties and the concerned residents to discuss the issues. The Evanston Community Council is scheduled to officially vote on this issue at their March 16, 2006 meeting. Community Council leadership was in support of scheduling this item before the Planning Commission for March 17, 2006, with staff's recommendation in favor of the zone change to be contingent upon the approval of the Evanston Community Council the previous evening.

CITY PLANNING COMMISSION ACTION:

According to Section 1429-11(a) of the Cincinnati Zoning Code, City Planning Commission may recommend approval or conditional approval, with restrictions on the establishment of a PD District on finding that all of the following circumstances apply:

1. The PD concept plan and development program statement are consistent with applicable plans and policies and is compatible with surrounding development;

The *Keystone* development is consistent with the Evanston NBD Urban Renewal Plan as amended in 2006. It is compatible with surrounding development as it is bound by Interstate 71 to the south and east, commercial and manufacturing development to the north, and a park to the west.

2. The PD concept plan and development program statement enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved;

The *Keystone* development proposes a design that orients two buildings toward the highway and one toward Dana Avenue, allowing for a pleasing view from both locations. The development also proposes underground parking in order to minimize surface parking and maximize open space. Traditional office or commercial zoning would not have allowed the flexibility needed to accomplish this site design.

3. Deviations from the base district regulations applicable to the property at the time of the PD application are justified by compensating benefits of the PD concept plan and development program statement;

The property located in the SF-4 Residential Single Family district will completely change uses – it will be demolished and will be the southern portion of the office development. The northern portion of the site, currently zoned CC-A Commercial Community Auto, currently allows more intensive uses than the new development proposes. The new greenspace within the development and the park improvements outside of the zone change boundary both will make great improvements to this area.

4. The PD concept plan and development program statement includes adequate provisions for utility services, refuse collection, open space, landscaping, buffering, pedestrian circulation, traffic circulation, building design and building location.

All aspects are covered in the concept plan as submitted.

FINAL DEVELOPMENT PLAN:

Pursuant to Section 1429-13 *Final Development Plan*, a final development plan and program statement would be submitted to City Planning Commission after approval of the concept plan and Planned Development (PD) designation by City Council.

A final development plan must be filed for any portion of an approved concept plan that the applicant wishes to develop and this plan must conform substantially to the approved concept plan and development program statement. The final development plan requirements anticipate changes from the concept plan by requiring significantly more detail. Approval of the final development plan would allow the developer to obtain building permits. The process allows the City Planning Commission to authorize Staff to approve minor amendments that might become necessary and outlines the process for major amendments that must be reviewed and approved.

CONCLUSIONS:

1. The re-zoning of the property bound by Realistic Avenue, Dana Avenue, and Interstate 71 to Planned Development is necessary for construction of the proposed *Keystone* development.
2. The applicant, Neyer Properties, has submitted a satisfactory concept plan and development program statement and has successfully met all basic requirements of the Planned Development District.

RECOMMENDATION:

The staff of the Department of Community Development and Planning recommends that the City Planning Commission take the following action:

1. **Accept** the concept plan for the proposed *Keystone* development contingent upon the approval from Evanston Community Council; and
2. **Approve** the zone change from CC-A Commercial Community Auto and SF-4 Residential Single Family District to PD Planned Development District at the property bound by Realistic Avenue, Dana Avenue, and Interstate 71 in Evanston, contingent upon the approval of Evanston Community Council.

APPROVED:

Respectfully Submitted,

Margaret A. Wuerstle, AICP
Chief City Planner

Katherine Keough-Jurs, AICP
Senior City Planner

Proposed Change of Zoning SF-4 and CC-A to PD

City Planning Commission
March 17, 2006



0 100 200 Feet

- Zoning
- Pavement
- Buildings
- Keystone PD Boundary

MG

CC-A

SF-4

CC-A

SF-4

SF-20

Area of Proposed
Zone Change to PD

OESPER AV

REALISTIC AV

FLORAL AV

ELSMERE AV

FLORAL AV

SABANA RAMP

DANA AV

SF-6

GRIGG AV

I-71 EXWY

DUCK CREEK RD

CRANT

OLLY LN

CLAYLAND ST

GRIGG AV

POTOMAC AV

VISTA AV

LARKSPUR AV

The Keystone Development Program Statement Exhibit for PD

As shown on the Planned Development Concept Plan dated January 27, 2006, the proposed Keystone office development consists of three office buildings with access directly from the I-71 exit ramp and Realistic Ave, which will be reconstructed in its existing location. Parking will be provided with a plaza level and three structured levels below containing approximately 1,800 parking spaces. Adjacent to the proposed PD area at the corner of Dana and Realistic Avenues is an outlot providing the opportunity for a restaurant and other amenities.

The phased development will contain approximately 460,000 square feet of office in the three buildings. Office Buildings A, B, and C are proposed to be 7 stories, 6 stories, and up to 5 stories respectively, above the parking garage. The proposed building setbacks are thirty (30) feet from the I-71 right of way and zero (0) feet from Dana and Realistic Avenues, as the corners of Building C will come directly to the lot line. The total project investment is estimated at \$70,000,000 and will bring nearly 2,000 office related jobs to the Evanston community and the City of Cincinnati.

The Keystone site was planned to allow for a highly accessible development that is also very safe, open and pedestrian friendly. The topography of the site will slope down from the intersection of Dana and Realistic Avenues toward I-71. The parking structure is underground below Office Building C, but takes advantage of the grades and all three levels are above grade and open to the air facing I-71 allowing for a substantial portion of the garage to receive natural light and ventilation. We are planning to use approximately 1.3 acres of the 7 acre development site as open space/landscaped areas. Beyond this, there are pedestrian walkways on the site and there is also a .4 mile walking trail that is planned on the adjacent Evanston Park Master Plan.

Neyer Properties is currently working with the Ohio Department of Transportation to acquire excess remnant parcels from the construction of Interstate-71, and owns or controls all other parcels necessary for this project within the proposed PD area. We plan to begin demolition of the homes in February, 2006 and have all structures demolished by April, 2006. Depending on market conditions, we are projecting that construction of the office development will occur as follows: Office Building C is likely to be Phase I of the project with construction beginning in the first quarter of 2007 after earthwork is completed in 2006. Substantial completion of Office Building C would then occur in the second quarter of 2008. Phase II (Office Building B) will likely begin construction in the second or third quarter of 2007, to be completed by the end of 2008. Phase III (Office Building A) would begin sometime in 2008, with all phases planned to be completed by the end of 2009.

January 30, 2006

**LEGAL DESCRIPTION
PROPOSED "PD" ZONE**

Situated in Section 33, Town 4, Fractional Range 2, Columbia Township, City of Cincinnati, Hamilton County, Ohio and being part of Lots 48, 49, 50, 53-57, 61-65, 91 and 92, and entire Lots 51, 52 and 66 - 90 of "Langdale Subdivision – Made By the Heirs of Peter Oesper" as recorded in Plat Book 11 Page 52 of the Hamilton County Records Office, and being part of Lots 46-55 of "Powell Crosley's Subdivision" as recorded in Plat Book 7 Page 22, and also being part of Oesper Avenue, Realistic Avenue, Dana Avenue and Interstate 71 and being more particularly described as follows:

Beginning at the intersection of the centerline of Realistic Avenue with the centerline of Interstate Route 71;

Thence along the centerline of said Realistic Avenue, N04°23'34"E a distance of 887.96 feet to the intersection of said centerline with the centerline of Dana Avenue;

Thence with the centerline of Dana Avenue, the following three (3) courses:

1. S85°36'26"E a distance of 207.02 feet to a point of curvature;
2. Along a curve to the right, an arc distance of 508.60 feet to a point of tangency, said curve having a radius of 881.47 feet, a central angle of 33°03'34" and a chord bearing S69°04'39"E for 501.58 feet;
3. S52°32'52"E a distance of 281.73 feet to the centerline of Interstate 71;

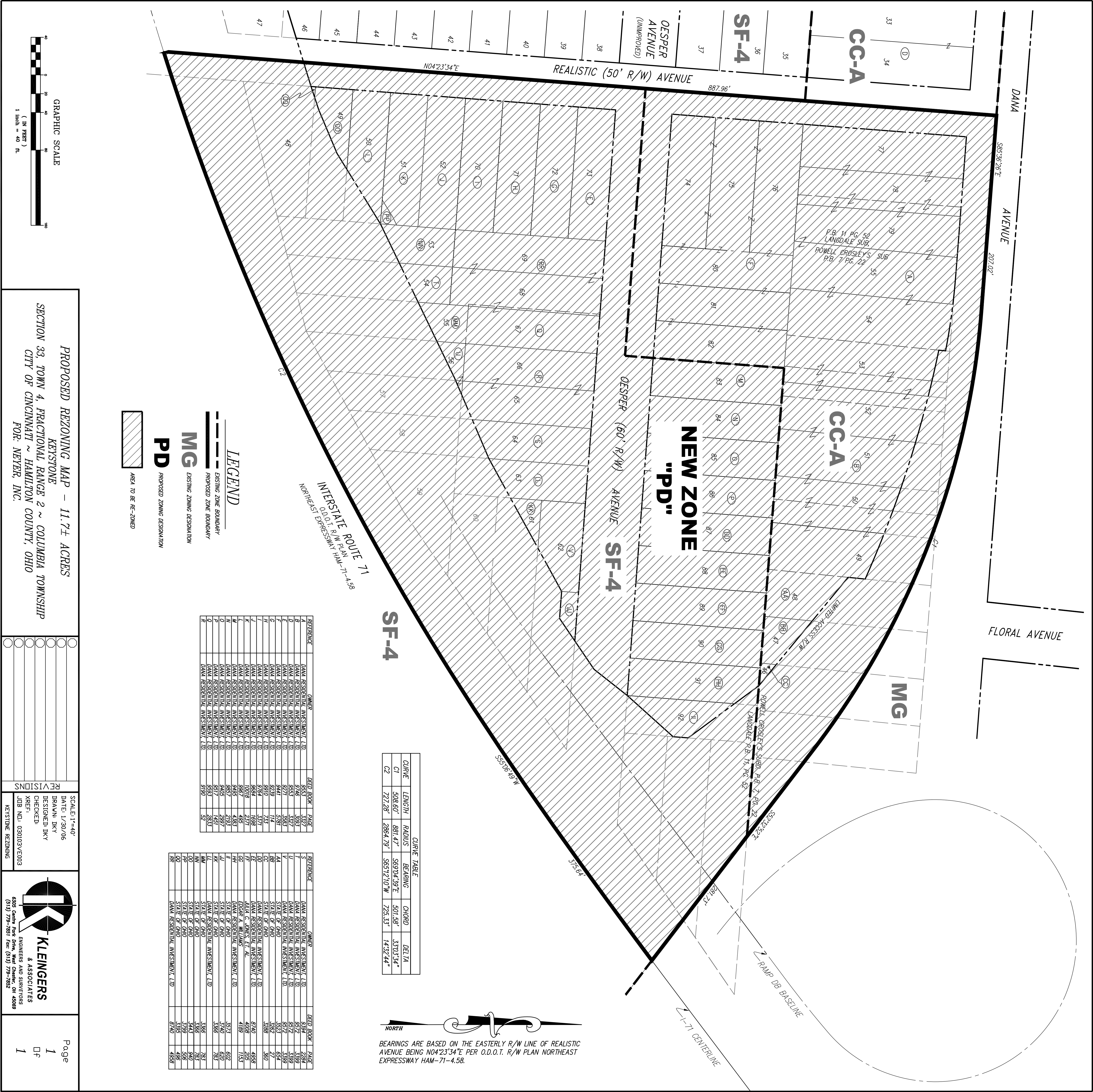
Thence with the centerline of Interstate 71, along a spiral curve to the right to a point of curvature, said spiral curve having a chord bearing S55°06'49"W for 375.64 feet;

Thence continuing with said centerline, along a curve to the right, an arc distance of 727.28 feet to the Point of Beginning, said curve having a radius of 2864.79 feet, a central angle of 14°32'44" and a chord bearing S65°12'10"W for 725.33 feet.

The above described parcel containing 11.7+/- acres, more or less, and being subject to easements, restrictions, and rights-of-way of record.

Bearings are based on the easterly right-of-way line of Realistic Avenue being N04°23'34"E as per O.D.O.T. Right-of-Way Plan for the Northeast Expressway (HAM-71-4.58).

The above description was prepared by Kleingers & Associates, Inc., under the direction of David L. Cox, Ohio Professional Surveyor No. 7101.



CURVE	LENGTH	RADIUS	BEARING	CHORD	DELTA
C1	508.60'	881.47'	S89°24.19'E	501.58'	33°03.34"
C2	727.28'	2884.79'	S85°12.10'W	725.33'	14°32.44"

BEARINGS ARE BASED ON THE EASTERLY R/W LINE OF REALISTIC AVENUE BEING N04°23'34"E PER O.D.O.T. R/W PLAN NORTHEAST EXPRESSWAY HAM-71-4.58.

REFERENCE	OWNER	DEED BOOK	PAGE
A	DANA RESIDENTIAL INVESTMENT, LTD.	9553	3372
B	DANA RESIDENTIAL INVESTMENT, LTD.	9746	3093
C	DANA RESIDENTIAL INVESTMENT, LTD.	9851	3227
D	DANA RESIDENTIAL INVESTMENT, LTD.	9851	3227
E	DANA RESIDENTIAL INVESTMENT, LTD.	9441	5797
F	DANA RESIDENTIAL INVESTMENT, LTD.	9639	1114
G	DANA RESIDENTIAL INVESTMENT, LTD.	9912	3331
H	DANA RESIDENTIAL INVESTMENT, LTD.	9684	1698
I	DANA RESIDENTIAL INVESTMENT, LTD.	10018	2371
J	DANA RESIDENTIAL INVESTMENT, LTD.	9870	1750
K	DANA RESIDENTIAL INVESTMENT, LTD.	9405	2997
L	DANA RESIDENTIAL INVESTMENT, LTD.	9405	2997
M	DANA RESIDENTIAL INVESTMENT, LTD.	9405	2997
N	DANA RESIDENTIAL INVESTMENT, LTD.	9405	2997
O	DANA RESIDENTIAL INVESTMENT, LTD.	9405	2997
P	DANA RESIDENTIAL INVESTMENT, LTD.	9405	2997
Q	DANA RESIDENTIAL INVESTMENT, LTD.	9405	2997
R	DANA RESIDENTIAL INVESTMENT, LTD.	9405	2997

REFERENCE	OWNER	DEED BOOK	PAGE
S	DANA RESIDENTIAL INVESTMENT, LTD.	9384	2294
T	DANA RESIDENTIAL INVESTMENT, LTD.	9372	3399
U	DANA RESIDENTIAL INVESTMENT, LTD.	9372	3399
V	DANA RESIDENTIAL INVESTMENT, LTD.	9372	3399
W	DANA RESIDENTIAL INVESTMENT, LTD.	9372	3399
X	DANA RESIDENTIAL INVESTMENT, LTD.	9372	3399
Y	DANA RESIDENTIAL INVESTMENT, LTD.	9372	3399
Z	DANA RESIDENTIAL INVESTMENT, LTD.	9372	3399
AA	DANA RESIDENTIAL INVESTMENT, LTD.	9372	3399
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AR	DANA RESIDENTIAL INVESTMENT, LTD.	9372	3399

LEGEND

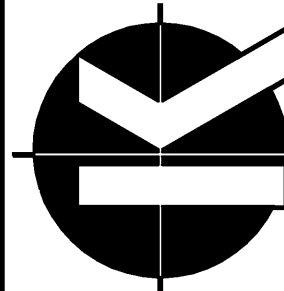
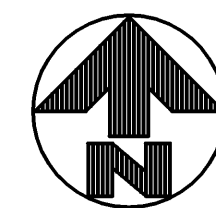
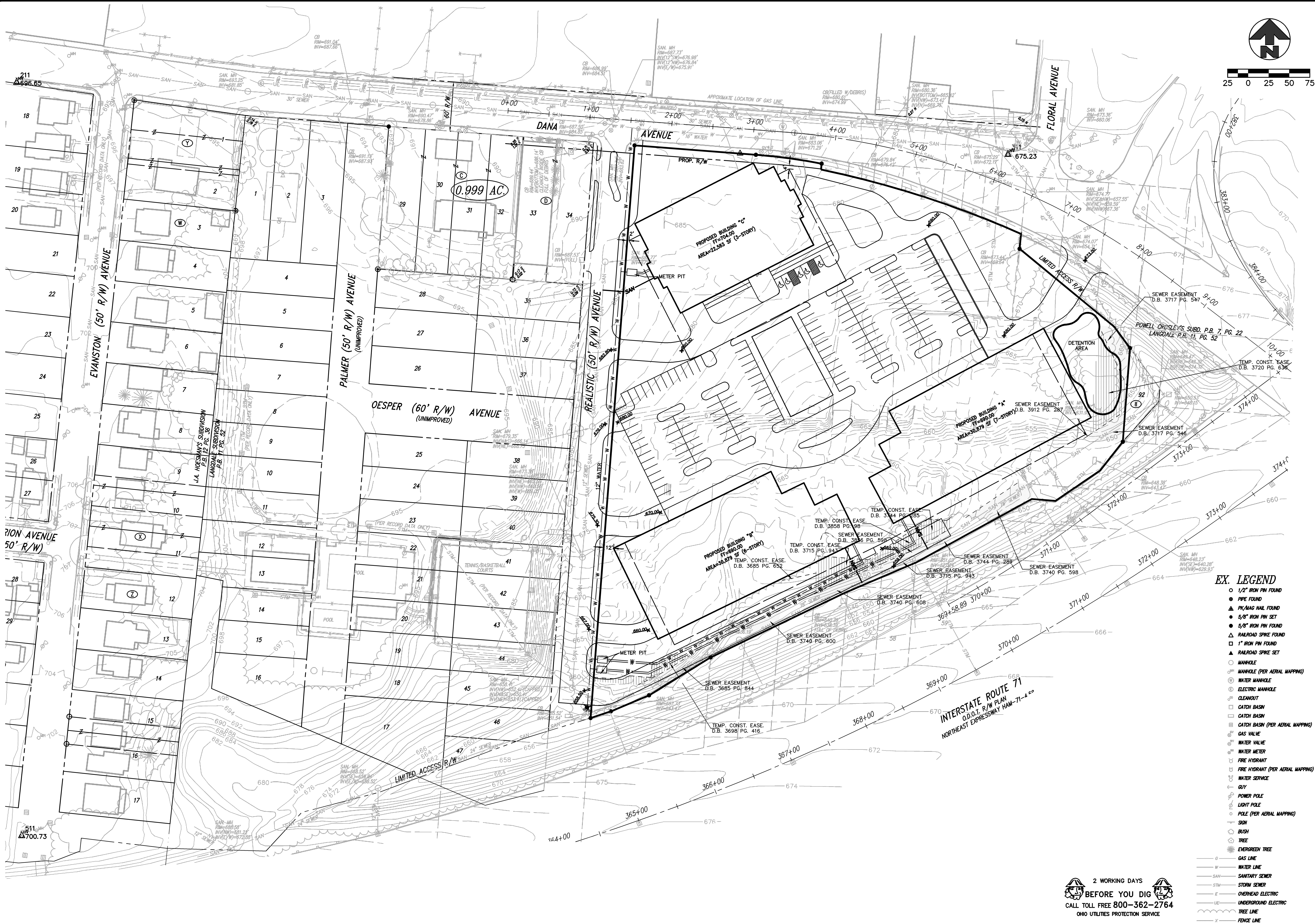
--- EXISTING ZONE BOUNDARY

--- EXISTING ZONE DESIGNATION

MG EXISTING ZONE DESIGNATION

PD PROPOSED ZONING DESIGNATION

AREA TO BE RE-ZONED



KLEINGERS
& ASSOCIATES
ENGINEERS AND SURVEYORS
6305 Centre Park Drive, West Chester, OH 45069
(513) 779-7851 Fax: (513) 779-7852

REVISIONS

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CONCEPT PLAN
THE KEYSTONE
SEC. 33, TOWN 4, FRAC. RANGE 2 ~ COLUMBIA TWP.
SEC. 3, TOWN 3, FRAC. RANGE 2 ~ MILLCREEK TWP.
CITY OF CINCINNATI
HAMILTON COUNTY, OHIO

SCALE: 1"=50'
DATE: 2/16/06
DRAWN: MWS
DESIGNED:
CHECKED:
XREF:
JOB NO.: 030103.004

THE KEYSTONE

Page

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Of

1

2 WORKING DAYS
BEFORE YOU DIG
CALL TOLL FREE 800-362-2764
OHIO UTILITIES PROTECTION SERVICE

- # EX. LEGEND
- 1/2" IRON PIN FOUND
 - PIPE FOUND
 - ▲ PK/MAG NAIL FOUND
 - 5/8" IRON PIN SET
 - 5/8" IRON PIN FOUND
 - △ RAILROAD SPIKE FOUND
 - △ 1" IRON PIN FOUND
 - △ RAILROAD SPIKE SET
 - MANHOLE
 - Ⓜ MANHOLE (PER AERIAL MAPPING)
 - Ⓢ WATER MANHOLE
 - Ⓢ ELECTRIC MANHOLE
 - CLEANOUT
 - CATCH BASIN
 - CATCH BASIN
 - ▢ CATCH BASIN (PER AERIAL MAPPING)
 - Ⓢ GAS VALVE
 - Ⓢ WATER VALVE
 - Ⓢ WATER METER
 - Ⓢ FIRE HYDRANT
 - Ⓢ FIRE HYDRANT (PER AERIAL MAPPING)
 - Ⓢ WATER SERVICE
 - GUY
 - Ⓢ POWER POLE
 - Ⓢ LIGHT POLE
 - Ⓢ POLE (PER AERIAL MAPPING)
 - SIGN
 - Ⓢ BUSH
 - Ⓢ TREE
 - ☀ EVERGREEN TREE
 - G — GAS LINE
 - W — WATER LINE
 - SAN — SANITARY SEWER
 - STM — STORM SEWER
 - E — OVERHEAD ELECTRIC
 - UE — UNDERGROUND ELECTRIC
 - ~~~~~ TREE LINE
 - X — FENCE LINE

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